

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ZELAIDO RIVERA GARCIA, et al.

Plaintiffs,

Case No. 09-CV-01996 (JNE-AJB)

v.

DETERMINATION OF SPECIAL MASTER

METRO GANG STRIKE FORCE, et al.

Defendants.

Claimant: Mohamed Aboubaker

Summary of Claim:

On July 4, 2006 it is undisputed that MGSF executed a search warrant at the residence of Claimant in St. Paul. Claimant asserts that electronics equipment and a family picture were seized, that he had to pay \$225 to retrieve his dog from the animal shelter, and that there was substantial property damage caused during the search.

There was no Notice of Forfeiture issued.

There were photographs submitted which Claimant says represent the condition of his residence after the warrant was executed. It is fair to say that the photographs show a complete mess. There is also a photograph of the door which, presumably, was kicked in when the warrant was executed. That photograph indicates that significant repairs would need to be made to the door.

Class Counsel recommends a total award to Claimant of \$7,718.

Defendants' Response:

Defendants deny that electronics items were removed from Claimant's residence. There is no indication on the search warrant inventory that such items were taken.

Defendants acknowledge that a photograph was seized and destroyed, and offer no explanation as to why it was taken or destroyed.

Claimant's Response to Defendants:

Analysis:

Assuming the photographs submitted represent the condition of the house after the search warrant was executed, it is quite clear that the residence was "trashed." It goes beyond the "disarray" described in the Defendants' response. I am not able to conclude that electronics equipment was in fact taken by the officers as stated in the claim form.

Award:

I conclude that Claimant was subjected to a deprivation of rights, privileges, or immunities secured by the Constitution and laws, and that this deprivation occurred under color of law.

Claimant is awarded \$5,000 property damage and \$225 as and for the cost of retrieving the dog.

COLLINS, BUCKLEY, SAUNTRY & HAUGH,
P.L.L.P.

Dated: July 16, 2012

By: /s/ Mark W. Gehan
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